



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

## Mohan KALKUNTE

Group Art Unit: 2661

Serial No.: 09/877,040

Examiner: PHAN, Tri H.

Filed: June 11, 2001

Attorney Docket No. 58268.00071

## For: GIGABIT SWITCH SUPPORTING MULTIPLE STACKING CONFIGURATIONS

**TERMINAL DISCLAIMER UNDER 37 CFR 1.321(c)**

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner, Broadcom Corporation, having its place of business at 16215 Alton Parkway, Irvine, California 92618, represents that it is the assignee and owner of all right, title and interest in and to U. S. Patent Application Serial No. 09/877,040, filed June 11, 2001, for GIGABIT SWITCH SUPPORTING MULTIPLE STACKING CONFIGURATIONS, the assignment for the application being recorded in the Patent and Trademark Office on June 11, 2001 at Reel 011893, Frame 0775. Petitioner is also the assignee of all right, title, and interest in and to U.S. Patent Application Serial No. 09/955,985, filed September 20, 2001, for METHOD AND APPARATUS FOR ENABLING L3 SWITCHING BY A NETWORK SWITCH IN A STACKING ENVIRONMENT the

assignment for this application being recorded in the Patent and Trademark Office on September 20, 2001 at Reel 012182, Frame 0868.

Petitioner hereby disclaims the terminal part, if any, of any patent granted on application Serial No. 09/877,040, which would extend beyond the expiration date of any patent granted on application Serial No. 09/955,985 when issued, and hereby agrees that any patent so granted on application Serial No. 09/877,040, shall be enforceable only during such period that the legal title to such patent shall be the same as the legal title to any patent granted on application Serial No. 09/955,985, this agreement to run with any patent granted on application Serial No. 09/877,040, and to be binding on its grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent granted on application Serial No. 09/955,985 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(c), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned on behalf of petitioner, Broadcom Corporation, hereby states and declares that I have the authority to execute this Terminal Disclaimer on behalf of the petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



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David E. Brown  
Registration No. 51,091

Date: November 28, 2005

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Enclosures: Response  
Petition for Extension of Time  
Check No. 13685